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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,037	06/07/1999	JOACHIM WIETZKE	10191/994	9313

26646 7590 08/04/2005

KENYON & KENYON
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NEW YORK, NY 10004

EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/269,037

Applicant(s)

WIETZKE ET AL.

Examiner

Daniel R. Sellers

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13-21 and 23-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13-21 and 23-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 11, 13-19, 21, and 23-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Divon.
3. Regarding claim 11, see Divon's abstract, column 1, lines 37-57, column 7, lines 25-36, column 11, lines 22-45, and column 11, line 61 – column 12, line 3. Divon teaches an audio system for use in an automobile that allows storing audio data that has been received by a radio tuner and digitized by the car stereo deck. The digitized data is stored on a chip card, such as the PCMCIA card as taught by Divon. Divon further teaches that the user can browse the information stored on the card for selecting a stored message for playback. Divon specifically teaches the radio data service (RDS) with the embodiment incorporating the PCMCIA chip card, however the reference as a whole teaches the recording of radio signals to the removable memory. The RDS signal is a signal that digital sends information such as Call Letters for a radio station, artist and song information, and program type. Divon therefore is teaching that in addition to recording analog signals, the device can also record the additional data.
4. Regarding claims 13-19, see the previous office action mailed April 07, 2004.
5. Regarding claim 21, see the preceding argument with respect to claim 11. Divon teaches an electrical device with these features.
6. Regarding claims 23-27, see the previous office action mailed April 07, 2004.

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7. Regarding claim 28, see the preceding argument with respect to claim 11. Divon teaches an automobile radio device with these features.

8. Regarding claims 29 and 30, see the previous office action mailed April 07, 2004.

9. Regarding claim 31, see the preceding argument with respect to claim 11. Divon teaches a method for storing and playing back a message via an automobile radio device with these features.

10. Regarding claim 32-34, see the previous office action mailed April 07, 2004.

11. Regarding claims 35-37, see the previous office action mailed January 03, 2005.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Divon.

14. Regarding claim 20, the further limitation of claim 11, see the preceding argument with respect to claim 11. Divon teaches that a computer can be used as a second device for playback and recording. It is well-known that computers can query memory devices for their storage capacities, remaining storage capacity, and used storage capacity. It would have been obvious for one of ordinary skill in the art to include a free memory display in the device of Divon for the purpose of saving the user an added step of querying the removable device for its usage statistics.

Response to Arguments

15. Applicant's arguments filed April 14, 2005 have been fully considered but they are not persuasive. Regarding the independent claims 11, 21, 28, and 31, see the preceding arguments above. Divon teaches a plurality of embodiments, and one embodiment has a chip card detachable from the radio system, wherein the system has an integrated voice digitization module (see Fig. 8b, unit 200b).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schairer, U.S. Patent No. 5,736,782 – Specifically teaches that a PCMCIA card is a chip card.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



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